

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

WESLEY A. MASSEY,)	
)	
Plaintiff,)	Civil Action No. 20 – 722
)	
v.)	District Judge Susan Paradise Baxter
)	Magistrate Judge Lisa Pupo Lenihan
)	
JOHN WETZEL, <i>et al.</i> ,)	
)	
Defendants.)	
)	

ORDER

Pursuant to this Court’s Order granting Plaintiff’s Motion for Leave to Proceed *in forma pauperis* dated September 15, 2020, (ECF No. 16), the following Order is now entered.

IT IS HEREBY ORDERED that the filing fee is \$350.00 and the Superintendent/Warden of the institution where Plaintiff is incarcerated is directed to remit from his prisoner account, in monthly installments, the full \$350.00 fee.

IT IS FURTHER ORDERED that each time a deposit is made to Plaintiff’s account, the agency having custody of Plaintiff shall set aside the deposit immediately before any disbursement is made by Plaintiff, and when the amount in Plaintiff’s account exceeds \$10.00, the agency shall forward payments to this Court equaling 20% of the preceding month’s income credited to his account until the filing fee for this case is paid in full. The following information shall either be included on the face of the check from the penal institution, cashier’s check, or money order or attached thereto: (i) the full name of the prisoner; (ii) the prisoner’s inmate number; and (iii) the case number for this action. Checks or money orders which do not have

this information will be returned to the penal institution. The agency shall forward payments to the appropriate courts simultaneously if there are multiple orders.

IT IS FURTHER ORDERED that this Order is binding on the superintendent/warden of any jail or correctional facility where Plaintiff is incarcerated until the filing fee is paid in full in accordance with the provisions of 28 U.S.C. § 1915(b)(1). However, Plaintiff is warned that he is ultimately responsible for payment of the filing fee if his custodian lapses in his/her duty to make payments on his behalf. For this reason, if Plaintiff is transferred to another jail or correctional institution, Plaintiff should ensure that the new institution is informed about this lawsuit and the required monthly payments as set out herein. Plaintiff is advised to retain a copy of this Order for this purpose.

IT IS FURTHER ORDERED that the Clerk of Court shall enclose with this Order an authorization form which Plaintiff shall complete and return to the Court within **TEN (10) DAYS** of entry of this Order. On this form, Plaintiff shall sign either the section that authorizes monthly payments from his inmate account or the section that moves to withdraw this action without payment of any portion of the filing fee.

AND IT IS FURTHER ORDERED that this action may be dismissed for failure to prosecute if Plaintiff fails to return the authorization form within **TEN (10) DAYS** from the date of this Order.

DONE AND ORDERED this 18th day of November, 2020.

/s/ Lisa Pupo Lenihan
Lisa Pupo Lenihan
United States Magistrate Judge

Cc: Wesley A. Massey
ND-8176
SCI Pine Grove
191 Fyock Road
Indiana, PA 15701

Counsel for Defendants
(Via CM/ECF electronic mail)